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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,452	01/11/2002	A. Joseph Antos	SP01-002	8460
22928	7590	07/29/2004	EXAMINER	
CORNING INCORPORATED			RAHLL, JERRY T	
SP-TI-3-1			ART UNIT	PAPER NUMBER
CORNING, NY 14831			2874	

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/044,452

Applicant(s)

ANTOS ET AL.

Examiner

Jerry T Rahll

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2004.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
4a) Of the above claim(s) 20-36 is/are withdrawn from consideration.
5) ☒ Claim(s) 5, 7, 10-17 and 37-42 is/are allowed.
6) ☒ Claim(s) 1-3, 6, 8, 18 and 19 is/are rejected.
7) ☒ Claim(s) 4 and 9 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 15 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings submitted have been reviewed and determined to facilitate understanding of the invention. The drawings are accepted as submitted.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 6 and 8 are rejected under 35 U.S.C. 102(e) as being inherently anticipated by U.S. Patent No. 6,416,800 to Weber et al.

4. Weber et al. describes an optical fiber having a core and a cladding surrounding the core comprising a sugar solution at 80% in water. The 20% water solution would inherently have greater than 190 ppm water (see claims 1, 2 and 9 of Jang).

5. Further, the optical fiber of Weber et al. must inherently be free of chlorine to be edible as described.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,900,119 to Hill et al. and further in view of U.S. Patent No. 6,463,684 to Jang.

8. Hill et al. describes an optical fiber coupler having a plurality of optical fibers with a portion fused to the other fiber (see figures 3-4). At least one of the fibers has an overlaid region surrounding the core. Hill et al. does not describe a portion of the overlaid region containing at least two dopants.

9. Jang describes an optical fiber coupler (see figure 3) having a fiber comprising an overlaid region surrounding a core where at least a portion of the overlaid region contains two dopants, namely GeO_2 and B_2O_3 (see Columns 5-8 and Claims 1 and 8).

10. Hill et al. and Jang are analogous are because they are from the same field of endeavor of optical coupling. At the time of invention, it would have been obvious to a person of ordinary skill in the art to use the fiber and cladding structure of Jang with the coupler of Hill et al. The motivation for doing so would have been to make the coupling structure of Hill et al. insensitive to the external environment and temperature-compensated. (see Column 8 of Jang) Therefore, it would have been obvious to combine Hill et al. and Jang to obtain the invention as specified in claims 18-19.

Allowable Subject Matter

11. Claims 5, 7, 10-17 and 37-42 are allowed.

12. Claims 4 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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13. Claims 4, 7, 9, 16-17 and 37-42 describe an optical coupler containing water in the cladding.
14. Claims 5, 7 describe an optical fiber having an overcladding containing water.
15. Claims 10-15 describe an optical waveguide body of silica material for fusing to at least one other waveguide body containing water.
16. This is subject matter not describe by the prior art of record.

Conclusion

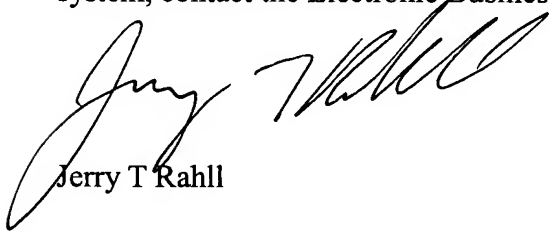
17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S Patent No. 5,113,470 to Fukushima et al. describe an optical waveguide with a liquid cladding layer.
18. Prior art documents submitted by applicant in the Information Disclosure Statements filed on 11 January 2002, 12 August 2002 and 18 November 2002 have all been considered and made of record (note the attached copy of form PTO-1449).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry T Rahll whose telephone number is (571) 272-2356. The examiner can normally be reached on M-F (8:00-5:30), with alternate Fridays off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jerry T Rahll



AKM ENAYET ULLAH
PRIMARY EXAMINER